

# United States District Court

EASTERN District of CALIFORNIA

**FILED**

**May 22, 2024**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

In the Matter of the Seizure of  
(Briefly describe the property to be seized)

Approximately \$58,441.00 in U.S. Currency.

## APPLICATION FOR A WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

CASE NUMBER:

2:24-sw-0508 DB

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the Eastern District of CALIFORNIA is subject to forfeiture to the United States of America (*describe the property*):

Approximately \$58,441.00 in U.S. Currency.

The property is subject to seizure pursuant to 21 U.S.C. § 881(b) incorporating 18 U.S.C. § 981(b), and subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), concerning violations of 21 U.S.C. §§ 841(a)(1) and 846.

The application is based on these facts:

**See attached affidavit.**

☒ Continued on the attached sheet.

/s/ Ranjit Takhar

*Applicant's signature*

Ranjit Takhar, Special Agent, FBI

*Printed name and title*

Sworn to before me over the telephone and signed  
by me pursuant to Fed. R. Crim. P. 4.1.

05/22/2024

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sacramento, California  
City and State

\_\_\_\_\_  


DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

## AFFIDAVIT IN SUPPORT OF A SEIZURE WARRANT

I, Ranjit Takhar, a Special Agent with the Federal Bureau of Investigation (FBI), depose and state the following:

### INTRODUCTION

1. I make this affidavit in support of an application to seize \$58,441.00 in cash connected to a search warrant executed on August 16, 2022, at a Modesto, California residence occupied by Diana Penaloza (“Penaloza”), a suspected narcotics trafficker. On August 16, 2022, law enforcement executed a warrant at the residence, finding over 10 pounds of methamphetamine, and arrested Penaloza and another individual on multiple violations of state drug laws. A few months later, on October 20, 2022, a federal grand jury in the Eastern District of California indicted Penaloza on two counts of 21 U.S.C § 841(a)(1) – possession with intent to distribute over 50 grams of methamphetamine, *United States v. Diana Penaloza*, 1:22-cr-00281-ADA-BAM. The amount subject to seizure, **approximately \$58,441.00 in U.S. Currency**, represents the \$58,441.00 in cash seized from Penaloza’s Modesto residence on August 16, 2022.

2. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to seize the **approximately \$58,441.00 in U.S. Currency** pursuant to 21 U.S.C. § 881(b) incorporating 18 U.S.C. § 981(b). The approximately \$58,441.00 in U.S. Currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) as it represents proceeds traceable to the sale of controlled substances or funds used or intended to be used to facilitate a federal drug crime in violation of 21 U.S.C. §§ 841(a)(1) and 846.

### PROBABLE CAUSE

3. On August 4, 2022, Modesto Police Department (“MPD”) conducted surveillance at 2423 Yosemite Blvd, Modesto, CA related to a narcotics investigation involving Penaloza, Victor Ruiz Penaloza (“Victor”), and Loreto Madrid (“Loreto”). MPD Investigators observed a male subject, later identified as Victor, walk out of the 2423 Yosemite Blvd. residence with a white grocery bag. MPD Investigators observed Victor hand the grocery bag to Loreto Madrid (“Loreto”), who MPD had previously surveilled and was suspected of conducting multiple narcotics transactions at 2423 Yosemite Blvd. Once Loreto received

the white grocery bag, MPD Investigators observed Victor take possession of a Home Depot box from inside Loreto's Toyota Tacoma, and take the Home Depot box inside 2423 Yosemite Blvd. MPD investigators believed this exchange was a typical drug transaction between Victor and Loreto, i.e., Loreto would deliver drugs to Victor's residence at 2423 Yosemite Blvd.

4. On August 16, 2022, MPD Investigators executed state search warrants issued by Stanislaus County Superior Court at 2423 Yosemite Blvd., Modesto, CA, after MPD Investigators observed Loreto deliver a Home Depot box to Victor's sister, Diana Penaloza, earlier that day at the location. During the search of 2423 Yosemite Blvd., investigators located the Home Depot box delivered by Loreto and found approximately ten pounds of suspected methamphetamine inside the Home Depot box. In an Amazon box located immediately adjacent to the Home Depot box inside the residence, investigators found an additional approximately three pounds of suspected methamphetamine. MPD Investigators located \$56,061.00 in cash in Penaloza's bedroom and \$2,380.00 in cash in various other locations throughout the residence. In total, MPD Investigators seized \$58,441.00 in cash from the residence.

5. The suspected methamphetamine seized by MPD from 2423 Yosemite Blvd. was later submitted to the California Department of Justice lab and tested positive for methamphetamine.

6. On August 16, 2022, law enforcement also searched Loreto's rented storage unit in Modesto, California. During that search, law enforcement found approximately 114 pounds of suspected methamphetamine packaged in 1 pound plastic bags in various totes and plastic containers throughout the storage unit.

7. After MPD seized the \$58,441 from the search warrant, the cash was placed in MPD Evidence and then the City of Modesto's custody, awaiting the outcome of the state criminal case. The 58,441.00 in cash was currently subject to federal forfeiture as a consequence of the crimes detailed in the federal criminal indictment, *United States v. Diana Penaloza*, 1:22-cr-00281-ADA-BAM.

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**CONCLUSION**

8. For the reasons set forth above, there is probable cause to believe that the \$58,441.00 represents proceeds of drug trafficking. Accordingly, I request that the Court issue a seizure warrant authorizing the seizure of the funds for federal forfeiture as drug proceeds.

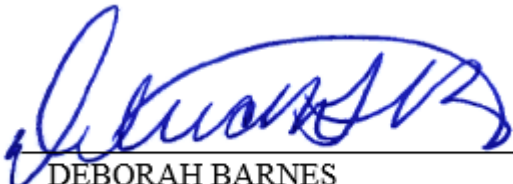
/s/ Ranjit Takhar

\_\_\_\_\_  
Ranjit Takhar  
Special Agent  
Federal Bureau of Investigation

Reviewed and approved as to form

/s/ Kevin C. Khasigian  
Kevin C. Khasigian  
Assistant U.S. Attorney

Sworn before me and signed telephonically  
on this 22 day of May 2024.

  
\_\_\_\_\_  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

# United States District Court

EASTERN District of CALIFORNIA

In the Matter of the Seizure of  
(Briefly describe the property to be seized)

Approximately \$58,441.00 in U.S. Currency.

## WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

CASE NUMBER: 2:24-sw-0508 DB

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests that certain property located in the Eastern District of CALIFORNIA be seized as being subject to forfeiture to the United States of America. The property is described as follows:

**Approximately \$58,441.00 in U.S. Currency.**

The property is subject to seizure pursuant to 21 U.S.C. § 881(b) incorporating 18 U.S.C. § 981(b), and subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

I find that the affidavit(s) and any recorded testimony establish probable cause to seize the property.

**YOU ARE COMMANDED** to execute this warrant and seize the property within 14 days in the daytime 6:00 a.m. to 10:00 p.m. You must also give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

An officer present during the execution of the warrant must prepare, as required by law, an inventory of any property seized and the officer executing the warrant must promptly return this warrant and a copy of the inventory to DEBORAH BARNES or Any U.S. Magistrate in the Eastern District of California.

05/22/2024, 2:51pm

Date and Time Issued

Sacramento, California

City and State



DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

AO 109 (Rev. 11/13) Warrant to Seize Property Subject to Forfeiture (Page 2)

**RETURN**

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of:

Inventory of the property taken:

**CERTIFICATION**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*

Subscribed, sworn to, and returned before me this date.

\_\_\_\_\_  
U.S. Judge or Magistrate\_\_\_\_\_  
Date